

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MOLDEX METRIC, INC.,

Plaintiff,

v.

3M COMPANY and 3M INNOVATIVE  
PROPERTIES COMPANY,

Defendants.

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Civil No. 14-cv-01821-JNE/FLN

**DECLARATION OF DOUGLAS H. MOSES**

I, Douglas H. Moses, hereby declare under penalty of perjury that the following is true and correct:

1. I am a marketing manager at 3M Company ("3M"). I have personal, first-hand knowledge of the following facts, and if called as a witness, I could and would competently testify thereto. I make this declaration in the above-captioned lawsuit in support of 3M's Motion to Dismiss Plaintiff's Complaint.

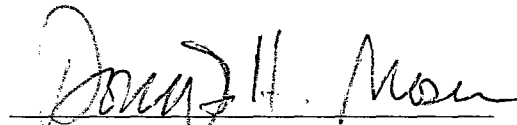
2. In March 2005, I joined Aearo Technologies as a senior brand manager working with industrial safety products. I began working with Combat Arms™ earplugs in the fall of 2006 and have continued to work with Combat Arms and other hearing protection devices since that time. I became a 3M employee when 3M acquired Aearo Technologies on April 1, 2008, and I was made a marketing manager at 3M at that time.

3. I am familiar with the packaging and advertising used for Combat Arms earplugs from 2006 to the present. I have seen and am familiar with the brochure and packaging for Combat Arms earplugs that are depicted in **Exhibit A** to this declaration.

4. To my understanding and knowledge, Aearo Technologies created the packaging for Combat Arms earplugs depicted in Exhibit A to this declaration before June 2010, and 3M developed the brochure for Combat Arms earplugs depicted in Exhibit A to this declaration before June 2010. Likewise, 3M has used both this packaging and this brochure to market and sell Combat Arms earplugs since before June 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26<sup>th</sup> day of June, 2014, at Indianapolis, Indiana.

  
DOUGLAS H. MOSES